

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

DAVID SWERTFEGER,

Plaintiff,

Case No.: 3:19-cv-00751-jdp

v.

LACROSSE COUNTY SHERIFFS
DEPARTMENT, CITY OF LACROSSE,
and JEFFREY NICKSIC,

Defendants.

CONFIDENTIALITY AGREEMENT AND PROTECTIVE ORDER

Pursuant to the Judge Peterson's March 3, 2021, Order, defendant Jeffrey Nicksic proposes the following Confidentiality Agreement and Protective Order in this case:

1. The following documents are to be handled as confidential and subject to this Protective Order:

- a. Medical records received via signed authorization from Gunderson Health System relating to the plaintiff will be limited to those relevant to the claims in this lawsuit.

2. Designation of confidential information must be made by placing or affixing on the document, in a manner that will not interfere with its legibility, the word "CONFIDENTIAL." The parties and counsel for the parties must keep all documents designated as confidential that are received under this Rule secure within their exclusive possession and must place such documents in a secure area. If documents which fall under paragraph (1) have already been produced prior to this confidentiality agreement, those documents shall be identified and treated as confidential according to this agreement.

3. Documents designated as confidential must not be used or disclosed by the parties or counsel for the parties or any persons identified in paragraph (4) for any purposes whatsoever other than for preparing for and conducting the litigation in which the documents were disclosed.

4. The parties and counsel for the parties must not disclose or permit the disclosure of any documents or information designated as confidential under this rule to any other person or entity, except that disclosures may be made in the following circumstances:

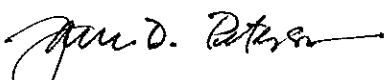
- a. Disclosure may be made to employees of counsel for the parties who have direct functional responsibility for the preparation and trial of the lawsuit. Any such employee to whom counsel for the parties makes a disclosure must be advised of, and become subject to, the provisions of this rule requiring that the documents and information be held in confidence.
- b. Disclosure may be made only to employees of a party required in good faith to provide assistance in the conduct of the litigation in which the information was disclosed who are identified as such in writing to counsel for the other parties in advance of the disclosure of the confidential information.
- c. Disclosure may be made to court reporters engaged for depositions and those persons, if any, specifically engaged for the limited purpose of making photocopies of documents. Before disclosure to any such court reporter or person engaged in making photocopies of documents, such reporter or person must agree to be bound by the terms of this Rule.
- d. Disclosure may be made to consultants, investigators, or experts (collectively "experts") employed by the parties or counsel for the parties to assist in the preparation and trial of the lawsuit. Before disclosure to any expert, the expert must be informed of and agree to be subject to the provisions of this rule requiring that the documents and information be held in confidence.

5. To the extent that any of the records referenced in paragraph 1 are filed with the Court, or are substantively incorporated in any papers to be filed with the court, the records and papers must be electronically filed under seal without the need to file a Motion to file Under Seal prior to the electronic filing of the documents.

6. At the conclusion of the litigation, all material not received in evidence and treated as confidential under this Rule must be destroyed.

IT IS HEREBY ORDERED that the Confidentiality Agreement and Protective Order is approved and that the documents and information designated as "Confidential" shall be protected from disclosure pursuant to the terms and conditions of the Protective Order which shall govern the confidentiality of information during the course of this litigation.

Dated this 14TH day of ~~March~~ ^{APRIL}, 2021.



HONORABLE JAMES D. PETERSON
District Court Judge